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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,232	08/28/2003	Andrew P. Bowman	BO1 - 0143US	6402
60483	7590	01/22/2008	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			HARTMAN JR, RONALD D	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	
			DELIVERY MODE	
			01/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

M/V

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,232	BOWMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald D. Hartman Jr.	2121	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 28 August 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Co-Pending U.S. Application Information***

The applicant is kindly asked to fill in the information from the Co-Pending Application section to reflect the current USPTO data. Please include the change on page 4 of the specification as well.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-8 and 10-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per dependent claims 2-8 and 10-16, specifically dependent claims 2 and 10, "definition of the functional deliverable of the product" has not been described by the specification or drawings, as presently filed. What is this term referring to exactly? The examiner cannot determine the scope of this term since it is not defined; therefore it is unclear as to what product information is actually entered. Claims 2 and 10 explicitly provide for 2 types of information to be entered, the other being product configuration information. In the opinion of the examiner, this term is self-explanatory and is, more importantly, disclosed by Hill et al.

Since the examiner will not speculate as to the applicants intentions, with regards to the interpretation of this critical feature to the overall understanding of the claim, as per MPEP 2173.06, which states, in part, "Second, where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103

should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims.", any and all further art rejections, with regards to pending claims 2-8, must be held in abeyance until such time that clear and meaningful claims are presented, as the applicant must provide some insight as to what this term, critical to the input data, is meant to encompass.

As per claims 17-23, regrettably, for the same reason(s) as already described with reference to claims 2 and 10, from above, any and all art rejections, with regards to these claims, must be held in abeyance until such time that clear and meaningful claims are presented, as the applicant must provide some insight as to what this term, critical to the input data, is meant to encompass.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill et al., U.S. Patent No. 6,453,209.

As per claim 1, Hill et al. teaches a system comprising:

- **an output device;**
- **an input device** *for allowing a user to enter product information and generating a signal based on the entered product information;* and
- **a processor**, coupled to the output device and the input device, the processor including:

- **a first component for selecting a build plan based on the generated signal; and**
- **a second component for outputting the selected build plan to the output device,**  
*wherein the outputted build plan includes tool information based on the entered product information.*

(Examiner Note: Intended use limitations are shown in *italics*).

As best understood, this claim, which appears to correspond to Figure 1B of the applicant drawings, is anticipated by the system disclosed by Hill et al. (e.g. See Figures 1-2 and 8 which shows the system as a plurality of computers communicatively connected to a design environment, wherein instructions are generated for the build plan of a vehicle door, based on an input from the user, wherein the build plan includes tool information).

As per claim 9, the claimed method appears to be anticipated by the functions disclosed by Hill et al. (e.g. See Figures 1-2 and 8 which shows the system as a plurality of computers communicatively connected to a design environment, wherein instructions are generated for the build plan of a vehicle door, based on an input from the user, wherein the build plan includes tool information).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 14, 2008

RDH

x RDH



RONALD HARTMAN, JR.  
PRIMARY EXAMINER

1/11/2008